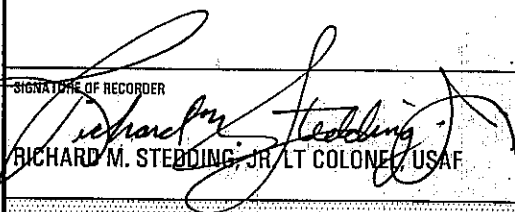
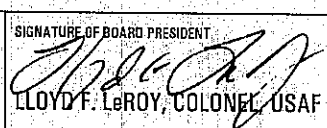


MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UDTHC	OTHER	DENY
COL LLOYD F. LeROY						X
COL JAMES W. SHUMARD III						X
COL FREDERICK W. HORNRICK						X
COL VICTOR R. DONOVAN						X
LT COL RICHARD M. STEDDING, JR.			X			
ISSUES A94.05	INDEX NUMBER A67.00	EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 980813 CASE NUMBER FD98-00226		1	ORDER APPOINTING THE BOARD			
		2	APPLICATION FOR REVIEW OF DISCHARGE			
		3	LETTER OF NOTIFICATION			
		4	BRIEF OF PERSONNEL FILE			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-464.						
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER  RICHARD M. STEDDING, JR. LT COLONEL, USAF		SIGNATURE OF BOARD PRESIDENT  LLOYD F. LeROY, COLONEL, USAF				
INDORSEMENT						DATE 98/08/17
TO: SAF/MIBR 550 C Street West, Suite 40 RANDOLPH AFB, TX 78150-4742		FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING 3rd Floor ANDREWS AFB MD 20331-7002				
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to General.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issues 1 & 2 will be addressed jointly. Applicant contends his discharge was inequitable because it was based on an isolated incident and because of the personal feelings of his commanding officers. The Board reviewed the record and concluded the conduct for which applicant was discharged was a significant departure from the conduct expected of all military members.

Issue 3: The applicant contends that the discharge was inequitable and that there were several other avenues of discipline available. The Board found a pattern of misconduct that was based on numerous minor offenses. The records indicated applicant received three Letters of Reprimand for misconduct.

Issue 4: The applicant states that he should have been placed in counseling. The Board finds this issue without merit. The Board concluded that the misconduct was sufficiently egregious to characterize applicant's service as under honorable conditions.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 88/06/20 UP AFR 39-10, Chapter 4 (Discharge in Lieu of Trial by Courts Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 67/02/09. Enlmt Age: 18 11/12. Disch Age: 21 4/12. Educ: HS DIPL.
AFQT: N/A M-40, A-48, G-39, E-47. PAFSC: 73250 - Personnel Specialist.
DAS: 87/09/07.

b. Prior Sv: AFRes 86/01/09 - 86/03/02 (1 month 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: AB 86/03/03 for (4) Yrs. Svd: 2 Yrs 3 Mo 18 Das, all AMS.

b. Grade Status: AB - 88/05/24 (ART 15, 88/05/24)
A1C - 87/07/03
AMN - 86/09/03

c. Time Lost: none.

d. Art 15's: (1) 88/05/24, Whiteman AFB, MO - In that you, having knowledge of a lawful order issued by LtCol -----, to wit: Note of Revocation of Installation Driving Privileges, dated 5 Apr 88, an order which it was your duty to obey, did, o/a 13 May 88, fail to obey the same by wrongfully driving onto base while your driving privileges were revoked. Rdn to AB and 30 days extra duty. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 86/03/03 87/03/02 Whiteman AFB 9 (Annual)
87/03/03 87/09/07 Whiteman AFB 9 (CRO)
(Discharged from Whiteman AFB)

g. Awards & Decs: AFTR, AFOUA.

h. Stmt of Sv: TMS: (2) Yrs (5) Mos (12) Das
TAMS: (2) Yrs (3) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/02/24.
(Change Discharge to General)

Issue 1: My undesirable discharge was without merit based on my two years, three months of impeccable active duty. My service record was squeaky clean prior the incident.

Issue 2: My undesirable discharge was improper because of personal feelings by my commanding officers towards me, based on the reason; they thought I was a failure.

Issue 3: My undesirable discharge was inequitable, simply for the fact of remorse. I never received equal treatment for my misconduct. There were several avenues to discipline (sic) me without a discharge.

Issue 4: My undesirable discharge was not correct in a good many ways, one is the neglect to not have me in counseling, which affected my job performance.

ATCHS

none.

98/06/24/ia

2.

On 5 MAY, 19 88, the accused was informed of the charges against him/her and of the name(s) the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander
Colonel
[Redacted]
Signature

351 Civil Engineering Squadron
Organization of Immediate Commander

13.

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at 1505 hours, 5 May 19 88 at 351st Combat Support Group
Whiteman Air Force Base, Missouri
Designation of Command or
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

[Redacted]
Typed Name of Officer
Major
Grade
[Redacted]
Signature

FOR THE 1 COMMANDER
Staff Judge Advocate
Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES		
14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HQ 351 Combat Support Group (SAC)	b. PLACE Whiteman AFB, MO 65305	c. DATE 5 May 1988

Referred for trial to the Special court-martial convened by Special Order G-0104
this headquarters
dated 5 May 19 88, subject to the following instructions:² None

XXY FOR THE COMMANDER of
Command or Order
[Redacted]
Typed Name of Officer
Major
Grade
[Redacted]
Signature
Staff Judge Advocate
Official Capacity of Officer Signing

15.

On 5 May, 19 88, I (caused to be) served a copy hereof on (each of) the above named accused.
[Redacted]
of Trial Counsel
Captain
Grade or Rank of Trial Counsel
[Redacted]
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

CHARGE SHEET

1. NAME OF ACCUSED (Last, First, MI)			2. SSN		3. GRADE OR RANK	4. PAY GRAD
5. UNIT OR ORGANIZATION					AIC	E-3
351st Civil Engineering Squadron					6. CURRENT SERVICE	
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		a. INITIAL DATE	b. TERM
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			3 Mar 86	4
825.00	0	825.00	None		9. DATE(S) IMPOSED	
					N/A	

II. CHARGES AND SPECIFICATIONS

10. CHARGE: I VIOLATION OF THE UCMJ, ARTICLE 86

SPECIFICATION 1: In that [redacted] United States Air Force, 351st Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did on divers occasions between on or about 16 February 1988 and on or about 1 March 1988, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building S-705, Whiteman Air Force Base, Missouri.

SPECIFICATION 2: In that [redacted] United States Air Force, 351st Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did on divers occasions between on or about 8 March 1988 and on or about 7 April 1988, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building S-705, Whiteman Air Force Base, Missouri.

SPECIFICATION 3: In that [redacted] United States Air Force, 351st Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did on or about 16 April 1988, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building 1551, Room 320, Whiteman Air Force Base, Missouri.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
[redacted]	Lt Col	351st Civil Engineering Squadron
d. S	e. DATE	
[redacted]	5 May 88	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 5th day of May, 19 88, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer	351st Combat Support Group
Major	Organization of Officer
Grade	Staff Judge Advocate
Signature	Official Capacity to Administer Oath (See R.C.M. 307(b)—must be commissioned officer)

CHARGE II

VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION: In that AIRMAN [REDACTED] United States Air Force, 351 C Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, having knowledge of a lawful order issued by Senior Master Sergeant [REDACTED] to have his dormitory room inspection order, an order which it was his duty to obey, did at Whiteman Air Force Base, Missouri, on or about 16 April 1988, fail to obey the same by wrongfully not having his dormitory room in inspection order.

CHARGE III

VIOLATION OF THE UCMJ, ARTICLE 107

SPECIFICATION 1: In that [REDACTED] United States Air Force, 35 Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did, between on or about 5 January 1988 and on or about 16 February 1988, with intent to deceive, make to [REDACTED] an official statement, to wit: "the drivers safety course I need to attend will be held every Tuesday, Thursday and Friday from 1100 to 1300 hours beginning 16 February 1988 and ending 15 April 1988", which statement was false, in that the drivers safety course was not held from 1100 to 1300 hours, and was then known by the said AIRMAN FIRST CLASS [REDACTED] to be so false.

SPECIFICATION 2: In that [REDACTED] United States Air Force, 35 Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did, between on or about 5 January 1988 and on or about 16 February 1988, with intent to deceive, make to [REDACTED] an official statement, to wit: "the drivers safety course I need to attend will be held every Tuesday, Thursday and Friday from 1100 to 1300 hours beginning 16 February 1988 and ending 15 April 1988, which statement was false, in that the drivers safety course was not held from 1100 to 1300 hours", and was then known by the said AIRMAN FIRST CLASS [REDACTED] to be so false.

SPECIFICATION 3: In that AIRMAN FIRST CLASS [REDACTED] United States Air Force, 35 Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did, on two occasions between on or about 17 February 1988 and on or about 3 March 1988, with intent to deceive, make to [REDACTED] an official statement, to wit: "the reason I was not at work yesterday was because I was attending the drivers safety course from 1100 - 1300 hours", or words to that effect, which statement was totally false in that he was not at the drivers safety course from 1100 to 1300 hours, and was then known by the said AIRMAN FIRST CLASS [REDACTED] to be so false.

SPECIFICATION 4: In that AIRMAN FIRST CLASS [REDACTED] United States Air Force, 35 Civil Engineering Squadron, Whiteman Air Force Base, Missouri, on active duty, did, on or about 9 March 1988, with intent to deceive, make to Technical Sergeant [REDACTED] an official statement, to wit: "I was not at work on 8 March 1988, because I was participating a drivers course in Columbia, Missouri", or words to that effect, which statement was totally false in that he was not participating in a drivers course in Columbia, Missouri, and was then known by the said AIRMAN FIRST CLASS [REDACTED] to be so false.